

Topsfield Planning Board

April 24, 2013

Chairman Morrison called the meeting to order at 7:30 PM at the Town Hall. Board members present were Martha Morrison, Janice Ablon, Steven Hall, Henry Goudreau and Ian De Buy Wenniger. Roberta Knight, Community Development Coordinator was also present.

Visitors: Selectman Dick Gandt; Joseph Geller, Jeanine Cunniff, Richard Kosian, Michael O'Hara, Gary Magnant, David Moniz, Karen Moniz.

Minutes:

Clerk Janice Ablon made the motion to accept the minutes of March 19, 2013 as corrected; seconded by Member Henry Goudreau; so voted 3-0.

Member Henry Goudreau made the motion to accept the minutes of April 2, 2013 as corrected; seconded by Clerk Janice Ablon; so voted 3-0.

51 Fox run Road: At 8:00PM, Chairman Morrison called to order the continued public hearing to consider the application of Federal Construction & Excavating LLC for 51 Fox Run Road pursuant to the Topsfield General By-laws, Chapter 51, Storm Water Management And Erosion Control for a stormwater management permit for the construction of a single family dwelling, septic system and driveway.

At this time, Chairman Morrison informed the applicant Michael O'Hara of his rights relative to the legal process concerning this application. Since there will be a change of membership commencing with the May 21, 2013 meeting, he may elect to continue with the three member majority that has been present since the commencement of the public hearing process or may elect to re-file the application and commence the process again with the newly re-constituted Board. Ms. Morrison referred to Town Counsel's legal opinion on the matter.

Mr. O'Hara noted that he did not wish to re-apply and would continue with the three members of the Board that have been present throughout the hearing process.

Mr. O'Hara then addressed the Board informing the members that he is willing to comply with all the requirements of the bylaw and with all the engineering revisions recommended by Beals & Thomas. He then requested that the Board give him a conditional approval. All three members respectively noted that they would not agree to a conditional approval. They wanted all recharge, drainage and run-off issues to be resolved before voting on the application. Chairman Morrison noted that the Board was operating on this matter under the requirements of the Federal Clean Water Act.

May 21, 2013 was confirmed as the next meeting date for the application's review.

Richard Kosian of Beals & Thomas, Inc, the project manager for the peer review, at this time referred to his report dated April 10, 2013. He noted that he did a site visit of the location and abutting areas, and also present were the developer Michael O'Hara, the developer's engineer James MacDowell, and abutters Gary Magnant and David Moniz. He informed the Board that concerns for 47 Fox Run Road stemmed from the development of 52 Fox Run Road. Since that time Mr. Moniz has experienced water in the basement and overland flow after rain storms. He does not want to exacerbate the situation as a result of the development of the lot at 51 Fox Run Road. As for 47 Fox Run Road, the lot is down gradient and has a high water table. The owner has spent significant funds to improve the situation including a new septic system. Mr. Magnant does not wish to have the problems worsen due to additional run-off onto his property.

In summary, the drainage calculations do not show that the water will disperse over the development of the entire lot, but shows that the water for the lot is moving in the direction of the driveway and house infiltration systems which are not designed to handle the water drainage for the entire lot.

Mr. O'Hara stated that the engineering is a week out to complete the checklist.

Member Steven Hall made the motion to continue the public hearing to the May 21, 2013 meeting; seconded by Member Ian De Buy Wenniger; so voted 5-0.

Medical Marijuana Treatment Centers: Chairman Morrison initiated a discussion relative to agricultural protection exemptions under zoning relative to the siting of these centers. There ensued a lengthy discussion on the Department of Agriculture's regulations and their possible impact on zoning in Topsfield since the Department of Public Health regulations are considering the requirement of growing, processing and the sales of medical marijuana in one spot.

Outside Consultant Agreement: Member Steven Hall made the motion to approve the Phase 2 Outside Consultant Agreement for the supplemental engineering peer review of 51 Fox Run Road, and authorize the Chair to sign; seconded by Clerk Janice Ablon; so voted 5-0.

The meeting was adjourned at 8:56 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator